

Some of the claims have been amended. No new matter has been added to the application. For convenience in following amendments to the claims, all claims are repeated herein.

Applicant respectfully requests entry of the foregoing amendments, which are believed to be in accordance with an agreement between the Examiner and the undersigned.

Claims 1 and 3-14 were rejected under 35 U.S.C. § 103 as being unpatentable over Nosek in view of Sheehan, Cheesman et al., Fabian, Ghaem et al., and Ruiz et al. Applicant respectfully traverses this rejection.

In addition to the comments made in earlier responses, applicant would like to emphasize the following.

Claim 1 is believed to be patentable because no reference of record discloses, and no reasonable combination of references suggests a container with an opening and a determining means for automatically determining the approximate dry weight of a sponge entering the container through the opening. It is only the present invention which discloses or suggests such a feature, which is important to the success of the present invention and which would not have been thought possible before the present invention was made. Claim 1 had been amended in the prior Rule 116 response to specify that each sponge which the apparatus of that claim detects includes an indicating means for indicating the approximate dry weight of the sponge. In this response, claim 1 has been further amended to specify that the determining means in part (d) for automatically determining the approximate dry weight of a sponge entering the container through the opening does so by detecting the indicating means on the sponge. This allows very accurate calculation of blood loss, which was not attainable with prior art devices and which is critical in cases involving infants, as pointed out in the declarations of record in this application. This also allows sponges of different dry weights to be detected with a single apparatus by throwing them through a single opening, unlike some other proposed prior art devices.

The Examiner has found many patents on similar devices, but



none with the limitation of paragraph (d) of claim 1. Since this is such a crowded art, such a change, although seemingly minor to one not familiar with this art, is actually a major improvement which makes the apparatus of the present invention practical.

The present invention solves a long-felt but unsolved need - all prior art requires manual calculation or manual input to accurately determine blood loss. This is especially important when dealing with young patients, where a small inaccuracy of blood loss can be crucial. The limitation of paragraph (d) of claim 1 allows truly automatic calculation of blood loss.

Claim 10 contains the mentioned limitations of claim 1, and is believed to be patentable for the reasons advanced in support of claim 1.

Claims 15-22 were rejected under 35 U.S.C. § 103 as being unpatentable over Fabian ('095) in view of Ghaem et al. Claims 15-22 have been cancelled.

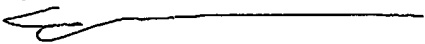
Applicant respectfully submits that the application is in condition for allowance. A Notice of Allowance is hereby respectfully requested. However, Applicant would consider further amending the claims if the Examiner has any suggested changes.

Should the Examiner feel that a telephone conference would advance the prosecution of this application, he is encouraged to contact the undersigned at the telephone number listed below.

Applicant respectfully petitions the Commissioner for any extension of time necessary to render this paper timely.

Please charge any fees due or credit any overpayment to Deposit Account No. 16-2435.

Respectfully submitted,


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